3-7. In paragraph 5, the Examiner states that Bezos et al., col. 2, line 46, provides a web page with instructions for building a website, "which reads on 'providing in said web page a means of inputting the electronic-mail address of persons whom said individual wishes to refer.'" Applicant respectfully disagrees with Examiner's characterization of Bezos et al., particular in relation to Applicant's claim 1.

Referring to Bezos et al., the "Detailed Description" indicates that a "...merchant Web site 106 is a site that provides various functionality for allowing customers to purchase products, including products selected from the Web sites of associates." (Col. 6, lines 12-14). "The associate's Web site 100 is a site of an entity that has registered with the merchant, via the online registration process, to market a subset of the merchant's goods in return for compensation..." (Col. 6, lines 31-34). The "customer accesses the associate's Web site 100 using a standard browser 112..." and "[w]hen a customer selects (e.g., clicks on) the hyperlink associated with a particular product, the customer is automatically connected to the merchant Web site 106...The hyperlink thus serves as a referral mechanism for referring the customer to the merchant Web site 106." (Cols. 6-7, lines 59-20).

The system of Bezos et al. is therefore completely different from a system according to Applicant's claim 1, that provides "in said Web page a means for inputting the electronic-mail address of persons whom said individual wishes to refer." Contrast this "means for inputting the electronic-mail address" with Bezos et al. that refer to FIG. 6 as an example Web page where the customer views the product catalog document to select a particular product offered through the associate's Web page. (FIG. 6, and Col. 11, lines 43-62). "The catalog document 120 also contains another textual hyperlink 608, allowing the customer to link to the merchant Web site 106 and initiate referral transaction processing." (Col. 11, lines 55-58) This is not the same as "providing in said Web page a means for of inputting the electronic-mail address of persons whom said individual wishes to refer." (Applicant, claim 1).

Furthermore, Examiner selects, from the "Summary of the Invention", Bezos et al., that "...the enrollment software generates and sends *an e-mail message* to the associate *with instructions for placing referral links* within catalog documents."

(emphasis added, Col. 2, lines 44-47). This is not the same as Applicant's claim 1 limitation. Accordingly, Applicant directs Examiner to the "Detailed Specification" section entitled "3. Associate Enrollment Function" (Col. 9, line 40) that presents an entire section on providing automatic enrollment for associates to allow associates to create a website with hyperlinks. An email message can be sent to the *associate* and the email message "...provides detailed information about setting up an associate's Web site, including instructions on how to create HTML documents with *referral links*. These instructions specify a predefined format for embedding the store ID and unique product IDs with the HTML link structures...A preferred set of linking instructions that are sent to new associates is included as Appendix A." (emphasis added, Col. 10, lines 50-67).

Applicant therefore also directs Examiner to Appendix A, that includes the content of an illustrative email of instructions to the associate for establishing a Web site that includes hyperlinks as referrals. There is not any place in this Appendix A email, or in the description of the email, for including a web site with "means of inputting the electronic -mail address of persons whom said individual wishes to refer." This is because the purpose of the Appendix A "referral setup instruction" email, is not the same as an email as provided in Applicant's claim 1. Applicant therefore disagrees with the Examiner equating a registration and set-up process that is facilitated by email, with Applicant's claim 1 that utilizes email messages to provide an individual with a Web page or a hyperlink to a Web page that also includes a means for inputting the electronic-mail addresses of persons whom the individual wishes to refer.

Furthermore, Applicant also wished to distinguish from Bezos et al. with regard to a comment in paragraph 6 wherein Examiner states "it is noted that any web page can be closed by a viewer, which would constitute opting out of the application process." As provided on page 3 of the application, lines 10-13, Applicant states that "...the user may choose to opt out 150, indicating that he or she prefers not to receive (1) any further offers 120, (2) any further offers in this particular category of items, or (3) any further offers 120 that are due to a referral 140 from a specific individual." This is not the same as closing a web page.

Claim 14 also includes the limitation of providing in a Web page a means of inputting the electronic-mail address of persons to whom said individual wishes to refer. Such a limitation is not taught by Bezos et al. Accordingly, Applicant believes that claims 1 and 14 are in condition for allowance. Claims depend from either claim 2-13 and 15-20 depend from claims 1 and 14.

Claims 21-47 are new, and based on the specification as originally filed, particularly pages 4 and 5. Furthermore, new independent claims 21 and 41 include a limitation that an offer can be transmitted via an email that includes a Web page or a hyperlink to a web page, and the Web page includes at least one option based on a selection to opt out, accept, and refer. Such limitations are not provided by the prior art, and hence claims 21 and 41 are allowable. Claims 22-39 and 42-47 are dependent on claims 21 and 41, respectively.

The claim amendments should in no way be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. Accordingly, none of the claim amendments are related to patentability, as such amendments are provided to correct typographical errors. Applicant reserves the option to further prosecute the same or similar claims in the instant or subsequent patent applications.

Conclusion

Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.
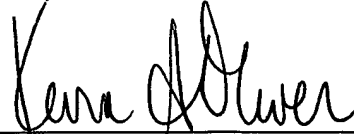
Respectfully submitted,

FOLEY, HOAG & ELIOT LLP

Date: _June 12, 2001_

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_____
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Marked-up version of claims:

15. (once amended) The apparatus of claim 14 wherein said processor is further operative [with said processor] to determine whether said individual has previously been sent an electronic-mail message about said offer.

16. (once amended) The apparatus of claim 14 wherein said processor is further operative [with said processor] to determine whether said individual has previously opted out of receiving all such electronic-mail messages.

17. (once amended) The apparatus of claim 14 wherein said processor is further operative [with said processor] to determine whether said individual has previously opted out of receiving electronic-mail messages pertaining to a category of items that contains said offer.

18. (once amended) The apparatus of claim 14 wherein said processor is further operative [with said processor] to determine the party whose referral caused said offer to be made to said individual and whether said individual has previously opted out of receiving electronic-mail messages pertaining to offers referred by said party.

19. (once amended) The apparatus of claim 14 wherein said processor is further operative [with said processor] to notify the sponsor of said offer in case of an acceptance by said individual.

20. (once amended) The apparatus of claim 14 wherein said processor is further operative [with said processor] to
   send electronic-mail messages to said persons who were referred by said individual in the case when said offer is still valid.

21. (new) A method for distributing an offer, the method comprising,
   providing at least one database including at least one participant electronic mail address,
   generating an electronic mail to the at least one participant that includes at least one of a Web page and a hyperlink to a Web page, the Web page further including data based on the offer, and,
   providing in the Web page at least one option for allowing the at least one participant to opt out, accept, and refer.

22. (new) A method according to claim 21, further including,
   receiving at least one selection based on the at least one participant's at least one option, and,
   updating the at least one database based on the received at least one selection.

23. (new) A method according to claim 22, further including providing a central controller in communication with the database, the central controller further including instructions for receiving the at least one selection.

24. (new) A method according to claim 22, further including communicating the at least one selection over a network.

25. (new). A method according to claim 21, wherein providing an offer includes providing at least one of a job offer and employment data.

26. (new) A method according to claim 22, wherein
     receiving at least one selection further includes receiving a selection to opt out, and
     updating the at least one database includes updating at least one of data associated with the at least one participant and data associated with the offer.

27. (new) A method according to claim 22, wherein,
     receiving at least one selection further includes receiving a selection to accept, and,
     updating the at least one database includes,
          determining whether the offer is valid, and,
          updating at least one of data associated with the at least one participant and data associated with the offer.

28. (new) A method according to claim 27, wherein updating the at least one database further includes generating an electronic mail message to an originator of the offer.

29. (new) A method according to claim 22, wherein
     receiving at least one selection further includes receiving a selection of referral, and,
     updating the at least one database includes updating at least one of data associated with the at least one participant and data associated with the offer.

30. (new) A method according to claim 29, wherein receiving a selection of referral includes receiving at least one email address based on at least one referral participant.

31 (new) A method according to claim 29, wherein updating the at least one database includes entering into the database as a participant, at least one email address based on at least one referral participant.

32. (new) A method according to claim 29, further including
     receiving at least one email address based on the at least one referral participant, and,
     determining at least one of whether
          the at least referral participant opted out of the offer,
          the at least one offer is valid,
          the at least one offer is updated, and,
          the at least one referral participant previously received the offer.

33. (new) A method according to claim 32, wherein determining whether the at least one offer is updated includes substituting the updated offer.

34. (new) A method according to claim 21, further including updating the at least one database to reflect that the at least one participant received an electronic mail message based on the offer.

35. (new) A method according to claim 21, further including associating with the at least one participant, an identity of at least one referring participant who referred the at least one participant.

36. (new) A method according to claim 21, further including determining whether the at least one participant opted-out of the offer.

37. (new) A method according to claim 21, further including determining whether the offer is valid.

38. (new) A method according to claim 22, wherein receiving the at least one selection further includes receiving an option to opt out and at least one further selection to prohibit any further offers, any further offers in a particular category, and any further offers based on at least one participant referral.

39. (new) A method according to claim 21, further including providing an offer database having at least one offer.

40. (new) A method according to claim 21, further including associating an identifier with the offer and one of the at least one participant.

41. (new) A method for tracking an offer, the method comprising,
    providing a Web page based on the offer, the Web page including at least one option to opt out, accept, and refer,
    utilizing a database to determine at least one participant,
    sending an electronic mail message to the at least one participant, the electronic mail message including at least one of the Web page and a hyperlink to the Web page,
    receiving from the at least one participant, at least one option based on a selection to opt out, accept, and refer, and,
    updating the database based on the at least one selection.

42. (new) A method according to claim 41, wherein the offer includes a job description.

43. (new) A method according to claim 41, further including providing an offer database.

44. (new) A method according to claim 41, further including receiving at least one electronic email address based on at least one referral participant.

45. (new) A method according to claim 41, further including identifying a referring participant associated with a selection to accept.

46. (new) A method according to claim 41, further including identifying a participant who opted out based on the offer.

47. (new) A method according to claim 41, further including associating an identifier with the offer and one of the at least one participant.

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